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F02147844

# Los Angeles County Sheriff's Department
## Supervisor's Report on Use of Force



**Incident Information**

| | | | | | |
|---|---|---|---|---|---|
| URN: | 405-10782-0453-145 | Date: | 06-05-2005 | Time: | 0045 |
| Location: | 11734 I IMPERIAL HWY (WESTLAND MOTEL) | | | | |
| City or Station: | NORWALK | | | | |
| Bureau/Station/Facility: | NORWALK STATION | Admin. Investigation: YES ☐ NO ☒ | | | |

**Employee Witnesses**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] |
| | | | |
| | | | |

**Non-Employee Witnesses**

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | 23 | [redacted] |

| Street Address | City | Zip Code | Work Ph. | Home Ph. |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| [redacted] | [redacted] | | | [redacted] |

| Street Address | City | Zip Code | Work Ph. | Home Ph. |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | UNK | [redacted] |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| [redacted] | [redacted] | | 51 | [redacted] |

| Street Address | City | Zip Code | Work Ph. | Home Ph. |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | NONE | NONE - TRANSIENT |

**On Duty Supervisor**

| Emp. # | Last Name | First Name | Middle Name | Rank | Present | Witness to Incident |
|---|---|---|---|---|---|---|
| [redacted] | WAGNER | THOMAS | C.. | SGT | YES ☐ NO ☒ | YES ☐ NO ☒ |
| | | | | | YES ☐ NO ☐ | YES ☐ NO ☐ |

**Watch Sergeant**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | WILSON | VIENNA | T. |

**Watch Commander**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | PEREZ | HOLLY | M. |

Watch Commander's Signature: ______________________ Emp #: __________

Copy Provided to Employee by: ______________________ Emp #: __________

Supervisor Completing Form: MARSHALL W. BAIRD (Print) Emp #: [redacted]

Unit Commanders Signature: ______________________ Emp #: __________ Date Signed: __________

PSTD Use Only

FO# 2147844

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/98

**See Reverse**

# Supervisor's Report on Use of Force

URN 405-10782-0453-145



***Method***

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

***Type of Injury***

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

***Body Part Injured***

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

***FORCE APPLIED*** ***(Only One Code Per Block)***

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|
| S1 | E1 | PP | NN | |
| E1 | S1 | CT | NN | |
| E1 | S1 | TT | BR | KN |
| E1 | S1 | FL | LC | HE |
| S1 | E1 | PH | NN | |
| E2 | S1 | CT | NN | |
| E2 | S1 | TT | BR | KN |
| E2 | S1 | FL | CP | LE |
| E2 | S1 | FL | CP | SH |
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See Front Side

# Supervisor's Report on Use of Force
# INVOLVED EMPLOYEE INFORMATION

URN: 405-10782-0453-145



**Involved Employee**

**E1**

| Employee # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | PERRY | KENNETH | B. |

| Sex | Race | Unit of Assignment | Work Assignment (Unit #, Module, etc.) |
|---|---|---|---|
| ☒ Male ☐ Female | W | FOR III - NORWALK STATION | 45DS |

| Shift | | Age | Height | Weight |
|---|---|---|---|---|
| ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | 39 | 510 | 210 |

| Medical Exam/Treatment | If Admitted, Name of Hospital | Coroner Case # | Directed Force / Significant Force |
|---|---|---|---|
| ☐ | | | Directed Force ☐ Significant Force ☒ |

**E2**

| Employee # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] |

| Sex | Race | Unit of Assignment | Work Assignment (Unit #, Module, etc.) |
|---|---|---|---|
| ☒ Male ☐ Female | W | FOR III - NORWALK STATION | 45DZ |

| Shift | | Age | Height | Weight |
|---|---|---|---|---|
| ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | 31 | 601 | 210 |

| Medical Exam/Treatment | If Admitted, Name of Hospital | Coroner Case# | Directed Force / Significant Force |
|---|---|---|---|
| ☐ | | | Directed Force ☐ Significant Force ☒ |

**E_**

| Employee # | Last Name | First Name | Middle Name |
|---|---|---|---|
| | | | |

| Sex | Race | Unit of Assignment | Work Assignment (Unit #, Module, etc.) |
|---|---|---|---|
| ☐ Male ☐ Female | | | |

| Shift | | Age | Height | Weight |
|---|---|---|---|---|
| ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | | | |

| Medical Exam/Treatment | If Admitted, Name of Hospital | Coroner Case# | Directed Force / Significant Force |
|---|---|---|---|
| ☐ | | | Directed Force ☐ Significant Force ☐ |

**E_**

| Employee # | Last Name | First Name | Middle Name |
|---|---|---|---|
| | | | |

| Sex | Race | Unit of Assignment | Work Assignment (Unit #, Module, etc.) |
|---|---|---|---|
| ☐ Male ☐ Female | | | |

| Shift | | Age | Height | Weight |
|---|---|---|---|---|
| ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | | | |

| Medical Exam/Treatment | If Admitted, Name of Hospital | Coroner Case# | Directed Force / Significant Force |
|---|---|---|---|
| ☐ | | | Directed Force ☐ Significant Force ☐ |

**E_**

| Employee # | Last Name | First Name | Middle Name |
|---|---|---|---|
| | | | |

| Sex | Race | Unit of Assignment | Work Assignment (Unit #, Module, etc.) |
|---|---|---|---|
| ☐ Male ☐ Female | | | |

| Shift | | Age | Height | Weight |
|---|---|---|---|---|
| ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | | | |

| Medical Exam/Treatment | If Admitted, Name of Hospital | Coroner Case# | Directed Force / Significant Force |
|---|---|---|---|
| ☐ | | | Directed Force ☐ Significant Force ☐ |

**E_**

| Employee # | Last Name | First Name | Middle Name |
|---|---|---|---|
| | | | |

| Sex | Race | Unit of Assignment | Work Assignment (Unit #, Module, etc.) |
|---|---|---|---|
| ☐ Male ☐ Female | | | |

| Shift | | Age | Height | Weight |
|---|---|---|---|---|
| ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | | | |

| Medical Exam/Treatment | If Admitted, Name of Hospital | Coroner Case# | Directed Force / Significant Force |
|---|---|---|---|
| ☐ | | | Directed Force ☐ Significant Force ☐ |

# Supervisor's Report on Use of Force
# SUSPECT INFORMATION

URN: 405-10782-0453-145



## Suspect Information

S1

| | | |
|---|---|---|
| Last Name: RUIZ | First Name: PHILLIP | Middle Name: ANDREW |
| AKA Last Name: | First Name: | Middle Name: |

| Sex: | Race: | Street Address: | City: | State & Zip Code: |
|---|---|---|---|---|
| ☒ Male ☐ Female | H | NONE - TRANSIENT | | |

| Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? |
|---|---|---|---|---|---|---|
| NONE | NONE | 25 | 511 | 05-13-1980 | 190 | ☐ |

Booking #: 8606941 Primary Charge: 11378 H & S Secondary Charge: 69 P.C. Criminal History [redacted]

Hospital Admission? ☐ Rec'd Treatment At: NORWALK COMMUNITY Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☒ NO Substance: ____________

Photos of Suspect's Injuries ☒ YES ☐ NO

### Suspect Interview

| Date: | Time: | Audiotape: | Videotape: |
|---|---|---|---|
| 06-05-2005 | 0330 | ☒ | ☐ |

## Suspect Information

S_

| | | |
|---|---|---|
| Last Name: | First Name: | Middle Name: |
| AKA Last Name: | First Name: | Middle Name: |

| Sex: | Race: | Street Address: | City: | State & Zip Code: |
|---|---|---|---|---|
| ☐ Male ☐ Female | | | | |

| Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? |
|---|---|---|---|---|---|---|
| | | | | | | ☐ |

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ____________

Photos of Suspect's Injuries ☐ YES ☐ NO

### Suspect Interview

| Date: | Time: | Audiotape: | Videotape: |
|---|---|---|---|
| | | ☐ | ☐ |

## Suspect Information

S_

| | | |
|---|---|---|
| Last Name: | First Name: | Middle Name: |
| AKA Last Name: | First Name: | Middle Name: |

| Sex: | Race: | Street Address: | City: | State & Zip Code: |
|---|---|---|---|---|
| ☐ Male ☐ Female | | | | |

| Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? |
|---|---|---|---|---|---|---|
| | | | | | | ☐ |

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ____________

Photos of Suspect's Injuries ☐ YES ☐ NO

### Suspect Interview

| Date: | Time: | Audiotape: | Videotape: |
|---|---|---|---|
| | | ☐ | ☐ |



**See Other Side**

**INVESTIGATIVE SUMMARY**
**USE OF FORCE; SIGNIFICANT FORCE**
**HEAD STRIKE WITH IMPACT WEAPON (FLASHLIGHT)**
**IAB CASE NUMBER FO2147844**
**405-10782-0453-184**

On Sunday, June 5, 2005, at approximately 0130 hours, Sergeants Marshall Baird and Wes Sutton along with Lieutenant Stacy Lee of the Internal Affairs Bureau responded to Norwalk Station regarding a use of force, head strike with an impact weapon incident. The summary of this incident is based on information obtained from reports and other documents regarding Norwalk Station file number 405-10782-0453-145 and 405-10256-0453-252, and suspect interview (***Refer to Exhibit A***).

The suspect was wanted for a felony hit and run incident with a stolen vehicle which occurred on May 27, 2005, in the Norwalk area. In that incident Suspect Ruiz evaded pursuing deputies and collided with several civilian vehicles during the course of the pursuit. He fled on foot at the terminus of the pursuit and was not captured. Live ammunition found in the vehicle at the end of the pursuit suggested that Ruiz might have been armed. Deputies also found in the vehicle several personal items belonging to Ruiz. Suspect Ruiz was subsequently identified by the pursuing deputies in a photo line up.

Sergeant Perry and his team members ([redacted] and [redacted]) had information that Ruiz frequented the Westland Motel (location). On June 4, 2005, the sergeant and deputies contacted the [redacted] of the motel and showed him a photo of Ruiz. The [redacted] confirmed that he had seen Ruiz earlier and promised to phone them if he was seen again. At approximately 2200 hours the [redacted] phoned Deputy [redacted] and told them that Ruiz had been at the location.

Sergeant Perry and Deputies [redacted] and [redacted] set up a surveillance of the motel in order to apprehend Ruiz. Prior to beginning the operation, the Sergeant and the deputies devised an operational plan wherein the best course of action would be to observe Ruiz when he arrived at the location and wait for him to exit his vehicle and then arrest him to avoid another pursuit.

Deputy [redacted] who was parked across the street, saw a dark blue Toyota pull into the driveway of the motel and park in the parking lot (***Exhibit B***). Deputy [redacted] then saw Ruiz, who was wearing a bulky jacket, exit the passenger side of the vehicle and walk toward the motel, where he lost sight of him. After a minute or so, Ruiz re-appeared and began walking back to the same vehicle he exited. Deputy [redacted] directed Sergeant Perry and Deputy [redacted], who were positioned nearby, to the Ruiz's location.

In keeping with the original plan, Deputy [redacted] and Sergeant Perry, drove into the parking lot to arrest Ruiz. They exited their patrol cars and approached him on foot.

They identified themselves as deputies and ordered Ruiz to the ground at gun point, but instead, he ran to the Toyota and yelled at the driver (Witness [redacted]), to open the door so he could escape. The passenger door was apparently locked. Sergeant Perry engaged Ruiz by grabbing his left arm to detain him, and Ruiz violently resisted by thrashing his arms and body. Deputy [redacted] also attempted to grab and control Ruiz' arms, but Ruiz resisted his attempts also. During the struggle, Ruiz grabbed hold of Deputy [redacted] pant leg and began pulling on him. In response, [redacted] struck Ruiz twice on his lower right leg with his flashlight. This caused Ruiz to stumble, allowing Perry and [redacted] to push Ruiz down to the ground. Ruiz continued to resist by kneeling in semi-prone position on the ground and moving his left hand under his body near his waist.

Fearing Ruiz was attempting to arm himself, Sergeant Perry struck Ruiz two times on the back of his head with his flashlight. Simultaneous with this, Deputy [redacted] struck Ruiz twice across the right shoulder blade with his flashlight. Ruiz then stopped resisting, and was handcuffed. Witness [redacted] was arrested for a burglary warrant without incident.

No personnel form the Force Training Unit, Civil Litigation or the Office of Independent Review responded to the incident.

**INVOLVED PERSONNEL:**

**PERRY,** Kenneth, Sergeant #[redacted]
Field Operations Region III
Norwalk Station

[redacted], Deputy #[redacted]
Field Operations Region III
Norwalk Station

**EMPLOYEE WORK HISTORY:**

| | |
|---|---|
| **PERRY**, Kenneth | |
| Date of Employment | 01/06/1988 |
| Date Assigned to Patrol | [redacted] |
| Date Completed Patrol Training | |
| Date [redacted] to Sergeant | |
| Prior Shooting Incidents | |
| Prior Founded Force Incidents | |

| | |
|---|---|
| [redacted] | |
| Date of Employment | 12/27/1994 |
| Date Assigned to Patrol | [redacted] |

Date Completed Patrol Training [redacted]
Prior Shooting Incidents
Prior Founded Force Incidents

**SUSPECT:**

**RUIZ**, Phillip Andrew MH/25 Booking #8606941

A check of the Consolidated Criminal History Reporting System (CCHRS) revealed that Suspect Ruiz (CII# [redacted] Refer to CCHRS and RAPS printouts included under ***Miscellaneous Documents.***

**WITNESSES:**

**Employee Witness**

[redacted], Deputy Sheriff #[redacted]
Norwalk Station

**Non-Employee Witness**

[redacted] FH/[redacted]

[redacted] MW/[redacted]

[redacted] FW/[redacted]

**INJURIES:**

**RUIZ**, Phillip Andrew

Suspect Ruiz was transported to Norwalk Community Hospital where he was examined by Doctor Brandt. He was treated for the following injuries:

-(8) staples to the crown of the head to close a laceration
-(7) staples to the back of the head to close a laceration
-(1) three inch scratch on the back of the head
-scrapes on both knees

***IAB NOTE*: *The suspect had several old injuries (bruising below both eyes and scrapes on his upper lip and chin area.)***

All injuries were consistent with the sergeant and deputy's statement as to the cause. (***Exhibit C, photographs***)

**PHYSICAL EVIDENCE:**

No physical evidence was collected at the scene and the Crime Lab did not respond to this incident.

**INVESTIGATOR OBSERVATIONS:**

We arrived at the scene approximately five hours after the incident. There was nothing relevant or notable to view.

**WEAPONS USED BY DEPUTY PERSONNEL:**

**Sergeant Perry, Kenneth**
Utilized control holds, takedown and struck the suspect with his flashlight two times in the head.

**Deputy** [redacted]
Utilized control holds, takedown and struck the suspect two times with his flashlight on his leg and two times on his right upper shoulder blade.

**WEAPONS USED BY SUSPECT:**

Personal weapons, hands.

**PROPERTY DAMAGE:**

None.

**CRIMINAL INVESTIGATOR AND CHARGES FILED:**

| | |
|---|---|
| Investigator's Name | Detective Adam Cordova (Nwk DB) |
| Court | L.A. Superior Court - Downey |
| Charges Filed | 69 P.C.,11378 H&S (3 counts), 243 (B) P.C., 12022 (B) P.C., 10851 (A) C.V.C., 20001 (A) C.V.C.(2 counts), 2800.2 (A) C.V.C. |
| Court Date | 07/20/2005 |
| Case Number | VA08896101 |

***IAB NOTE: On July 20, 2005, Suspect Ruiz was convicted and sentenced to four years state prison for Evading a Peace Officer, 2800.2 (A) P.C. The remaining charges were dismissed due to a plea negotiation.***

**LIGHTING AND WEATHER CONDITIONS:**

The incident occurred at 0045 hours. The night air was warm. The incident occurred in the motel parking lot which is well lit.

**INVOLVED EMPLOYEE STATEMENTS:**

**Sergeant Perry, Kenneth**

Sergeant Perry supervised the Special Assignment Team, which consisted of Deputies [redacted] and [redacted]. He said that on May 27, 2005, Norwalk units went in pursuit of a suspect later identified as Suspect Ruiz.

Sergeant Perry said that during follow up investigation, Deputy [redacted] had spoken to the [redacted] at the Westland Motel and had shown him a picture of Ruiz. He said [redacted] asked the [redacted] if Ruiz showed up to call him.

Perry said that on the night of June 4, 2005, the motel [redacted] called [redacted] and informed him that Ruiz had been to the motel in a dark blue Toyota and gave him the license number. He said they immediately briefed a surveillance operation and placed [redacted] in a static position across the street to monitor the motel entrance. Perry said he and [redacted] maintained positions that would allow them to enter the location and arrest Ruiz while he was on foot.

Perry said that at approximately 0045 hours, [redacted] advised him that the blue Toyota had entered the motel parking lot and parked along the east wall. [redacted] further advised Perry and [redacted] that the suspect had exited the vehicle and had walked to an unknown room. He said that as he and [redacted] began coordinating their response, [redacted] advised them that Ruiz had exited one of the rooms and was now walking back to his vehicle.

Perry said [redacted] "rolled in probably five seconds before I did." He said as he got there he saw [redacted] yelling at somebody to get on the ground and show his hands. Perry said

from his perspective, he couldn't see who [redacted] was yelling at. Perry said he went around the front of a van that was parked blocking his view and saw a male Hispanic with a bald head. He said this person "fit the description of Phillip Ruiz, the suspect we were after." He also saw that the suspect was yelling at the occupant (Witness [redacted]) of the vehicle to open the door, at the same time that [redacted] was yelling at him (Ruiz) to show his hands and get on the ground.

Perry said he could see both of Ruiz's hands as he was struggling to open the door and he was "fearful that he was gonna get in the car and use it to flee as a weapon against us as he's leaving, to retrieve a weapon, or possibly assault or take a hostage inside the vehicle," he opted to engage him.

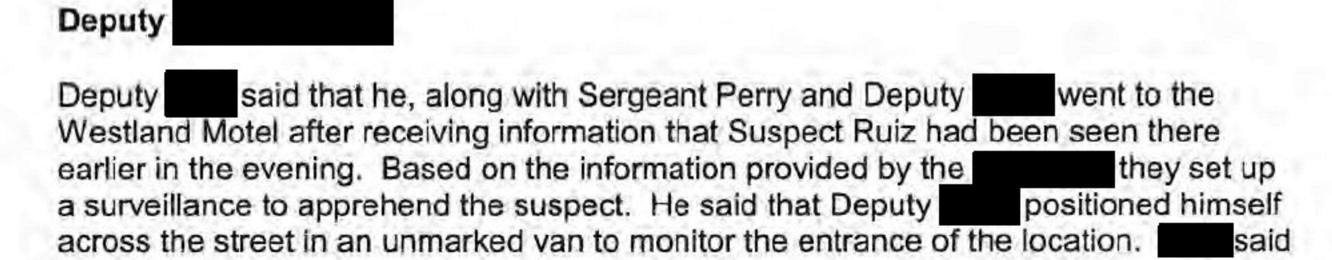
Perry said since he could see both of Ruiz's hands, he approached from behind, grabbing both arms, and tried to pull him back. As Perry did this, he said Ruiz began struggling by twisting from side to side and pulling his arms away, this caused Perry to loose control. At some point, Ruiz turned to his left and the two of them were now face to face. As Perry reached out to grab Ruiz's left arm, Ruiz batted his hands away. Perry said he then felt [redacted] engage Ruiz. He and [redacted] were then able push Ruiz down to the ground.

Perry said Ruiz landed on the ground in a semi-prone position with his knees partially underneath him. As they struggled to gain control of him, he rolled over onto his right side and brought his right arm underneath his body. Perry said that based on "his fighting us for all he's worth tonight, the bullets that we found in the car, I felt that he might be going for a weapon. I was in fear for my life and for Deputy [redacted] life."

Perry said that he knew he couldn't allow Ruiz to remove the uncontrolled arm from underneath his body, so he struck Ruiz with his flashlight once on the back of his head all the while giving him commands to stop fighting. He said that since Ruiz did not immediately comply, and did not release his arm, he struck Ruiz a second time. At that point, Perry said he heard Ruiz yell, "all right," and he relaxed somewhat. Perry said Ruiz was then handcuffed without the use of additional force.

Perry said he did not see Deputy [redacted] strike Ruiz with his flashlight.

**For further information, refer to verbatim transcript.**



**Deputy [redacted]**

Deputy [redacted] said that he, along with Sergeant Perry and Deputy [redacted] went to the Westland Motel after receiving information that Suspect Ruiz had been seen there earlier in the evening. Based on the information provided by the [redacted] they set up a surveillance to apprehend the suspect. He said that Deputy [redacted] positioned himself across the street in an unmarked van to monitor the entrance of the location. [redacted] said

he set up west of the motel on Woods Avenue, while Perry set up just northeast of the motel.

[redacted] said that a few hours later, [redacted] notified them via radio (mutual aid 5) that the suspect vehicle had entered the motel parking lot and parked along the east wall backed in parking space against the wall. [redacted] said [redacted] further advised them that Ruiz had exited the vehicle and was walking toward the motel rooms. He said that after a few moments had passed, [redacted] "put out", that the suspect was now walking back to the blue Toyota.

Deputy [redacted] said that prior to initiating the surveillance they discussed the operation and how they would go about apprehending Ruiz. He said they specifically talked about the fact that Ruiz was a flight risk and how they wanted to detain him outside of his vehicle to prevent a pursuit.

Deputy [redacted] said he pulled into the parking lot and drove to the south end of the lot adjacent to the Toyota. He then saw Ruiz, who was on the passenger side of the vehicle, duck down and run south along the wall. [redacted] said that as he exited his car, he noticed a female (Witness [redacted]) seated in the driver's seat of the Toyota. [redacted] said he "immediately" told her to put her hands on the dash and not move. She complied. Deputy [redacted] said that when he re-focused his attention back to the Ruiz, he was running back to the Toyota.

Deputy [redacted] who was standing in front of the Toyota and had his duty weapon drawn, pointed it at Ruiz and repeatedly yelled at him to get on the ground, but he refused. [redacted] said as the Ruiz reached the Toyota on the passenger side, Perry appeared from behind a van parked next to the suspect's vehicle. Simultaneous, Ruiz was trying to open the passenger side door yelling to Witness [redacted] "Let me in, let me in." He said that Ruiz was facing him and didn't see Perry come up from behind.

Deputy [redacted] said that Perry engaged Ruiz from behind him by grabbing his arms in an attempt to pull him back from the car. As soon as Perry did this, Ruiz began "twisting and thrashing his body back and from side to side." He said Ruiz then spun around to his right and ended up face to face with Perry. [redacted] said that as Perry tried to reach out and grab his arm, Ruiz pushed Perry off him with his hands.

[redacted] said he then engaged Ruiz by grabbing one of his arms, and began forcing him to the ground. As he did this, [redacted] said he felt Ruiz grab onto his pant leg and pull as if he was attempting to pull him down. [redacted] said he then struck the suspect two times in the knee or lower leg with his flashlight. As a result of the strikes, Ruiz lost his balance and they were able to force him to the ground.

[redacted] said Ruiz landed on the ground in a semi-prone position with his knees and arms underneath him. He said that both he and Perry told Ruiz, "put your hands behind your back," but he refused to comply. He said Ruiz then rolled over onto his right shoulder

with his hand still tucked underneath. Believing that Ruiz was attempting to arm himself, and fearing for his safety as well as Perry's, [redacted] said he hit Ruiz twice across the left upper shoulder. Simultaneous with his flashlight strikes, he could see "peripherally out of my right eye, I could see Serg strike him twice.' [redacted] said he did not see where the strikes landed. [redacted] said the Ruiz was then handcuffed.

**For further information, refer to verbatim transcript.**

**Deputy [redacted]**

Deputy [redacted] said he was conducting a surveillance at the Westland Motel. He said he was positioned across the street in the Wal-Mart parking lot. He said they had information that a suspect they had been looking for, frequented that motel and had been seen there at approximately 2230 hours (06/04/2005).

[redacted] said as he was watching the driveway, he saw the suspect's vehicle pull into the driveway. He said the vehicle then drove to the end of the parking lot and backed into a parking space next to a large white van. [redacted] said he lost sight of the vehicle as it parked next to the van.

[redacted] said a few seconds later he saw a male exit, who he recognized as Ruiz. He said Ruiz walked west through the parking lot to the motel rooms. A few seconds later, Ruiz reappeared walking east through the parking lot behind the van, where the blue Toyota was parked. He said he was transmitted to [redacted] and Perry all this information. He said they "already had a plan," that they wanted to roll in and detain Ruiz while he was on foot.

[redacted] said "they rolled in, [redacted] went in first followed by Sergeant Perry." He said that after [redacted] got out of his car, he could tell by [redacted] posture that he had confronted the suspect.

He said that by the time he maneuvered out of the Wal-Mart parking lot and arrived at the motel, Ruiz was already handcuffed. He did not witness any of the force used by Sergeant Perry and Deputy [redacted].

**NON EMPLOYEE WITNESS STATEMENTS:**

[redacted]

Witness [redacted] said she and Ruiz went to the motel "so he could go to a friend's room." She said she did not know what Ruiz was going to do in there.

Witness [redacted] said she was sitting in the car when Ruiz came walking back to the car. When Ruiz saw the police, he tried to run. At some point he ran back to the car and

yelled at her to open the door, but the door was locked. Witness [redacted] said she didn't know why he wanted he to get away from the police. She then said a "cop came from behind and threw him (Ruiz) on the ground." [redacted] first said that she didn't see what the deputies did to Ruiz after they threw on the ground. [redacted] then said she thought she saw one of the deputies kick Ruiz, but couldn't be sure since everything happened on the passenger side while he was on the ground.

After Ruiz was handcuffed, she was ordered out of her car and was handcuffed. She said none of the deputies used any force on her.

**Witness [redacted]**

Witness [redacted] was inside his motel room (#[redacted]) when he heard some yelling. When he opened his door and looked out he saw that the police had there guns drawn and were telling a suspect "not to move, let me see your hands, let me see your hands." Witness [redacted] said he did not witness the deputies strike the suspect.

**Witness [redacted]**

Witness [redacted] said she was inside of room #[redacted] at the Westland Motel when she heard the deputy ask the suspect to get out of the car. When she looked out the window, she saw the suspect seated in the car and grabbing at the deputy. Once the deputy got the suspect out of the car, the suspect began hitting the deputy. [redacted] said the deputy defended himself by hitting him back.

[redacted] said a second deputy arrived and helped restrain the suspect, but he was "fighting them both." She said the suspect was "kicking and swinging." [redacted] said the deputies were able to force him to the ground, but the suspect got part way of the ground and was still swinging at the deputies. At some point the deputies were able to gain control and handcuff the suspect. She did not see the deputies strike the suspect with their flashlights.

[redacted] said that after they placed the suspect on the stretcher she saw that his head was bandaged.

**SUSPECT STATEMENT:**

**Suspect Ruiz, Phillip A.**

Suspect Ruiz said he was at the motel visiting a friend. Suspect Ruiz said he was standing outside his girlfriends car when the police came and "jumped out their car." He said they then told him to "freeze, freeze." Ruiz said he told his girlfriend ([redacted]) to let him in the car. He said the cops then told him to "freeze or I'll shoot." Ruiz said as he turned to look back at his girlfriend, that's when he started getting hit with flashlights.

He said he did not try to run from the deputies.

Ruiz said he believed that Perry was the one that struck him with the flashlight on his head, but couldn't remember how many times. Ruiz said the deputies also punched him numerous times with their fists in the stomach, side and face.

Ruiz said that after he was handcuffed, the deputies said something to the effect of; "we should fuck you up asshole, we're gonna break your arms."

Ruiz said he didn't feel that he did anything that warranted him getting hit with the flashlight. He did say, that when they "started hitting with the flashlights," he curled up and resisted the efforts of the deputies to grab hold of his hands.

**MISCELLANEOUS SECTION:**

The motel [redacted] was contacted by investigators, and he confirmed that he did in fact provide information concerning the suspect and vehicle description as reported by the deputies.

COUNTY OF LOS ANGELES

# SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: January 12, 2006

FILE NO.: FO2147844

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

**Sergeant Kenneth Perry #[redacted]**
**Deputy [redacted] #[redacted]**

On June 5, 2005, Special Assignment Sergeant Perry and his team members had been searching for the suspect who was wanted for a felony hit and run incident with a stolen vehicle. (The suspect had evaded pursuing sheriff's deputies and collied with several civilian vehicles during the course of a police pursuit. The suspect fled on foot at the terminus and was not captured. Live ammunition was found in the suspect's vehicle at the end of the pursuit which indicated the suspect may have been armed.) The suspect was known to frequent a local motel, so Sergeant Perry and his team contacted the motel [redacted] and showed him a photo of the suspect. The [redacted] confirmed that he had seen the suspect in the past and promised to notify the sergeant if the suspect showed up at the motel.

Several days later, the [redacted] telephoned and told the team that the suspect was at the location. Sergeant Perry and Deputies [redacted] and [redacted] set up a surveillance and saw the suspect, who wearing a bulking jacket on a warm evening, walk from a motel room toward a blue compact car parked in the motel lot. A female was seated in the driver's seat. Sergeant Perry and Deputy [redacted] approached the suspect on foot and attempted to detain him before he entered the car in order to avoid a second vehicle pursuit. They identified themselves as deputy sheriffs and ordered the suspect to show his hands and submit to arrest. The suspect tried to enter the parked car but the doors were locked. Sergeant Perry grabbed the suspect's left arm to detain him, and the suspect violently resisted by thrashing around his arms and body.

Deputy [redacted] attempted to grab and control the suspect's arms, but the suspect resisted and a struggle ensued. During the struggle, the suspect grabbed Deputy [redacted] leg, and Deputy [redacted] struck the suspect twice on the lower right leg with his flashlight. This caused the suspect to stumble, and Sergeant Perry and Deputy [redacted] were able to push the suspect down to the ground. The suspect continued to resist and immediately kneeled face down on the ground and put both hands under his body near his waist. Fearing that the suspect was attempting to arm himself, Sergeant Perry struck the suspect two times in the back of the head with his flashlight. Deputy [redacted] struck the suspect twice across the right shoulder blade with his flashlight. The suspect then stopped resisting and was handcuffed and arrested without further incident. Among other minor injuries, the suspect sustained two lacerations to the top and back of his head. He was examined and treated for these injuries.

The head lacerations were closed with eight and seven staples, respectively, and the suspect was cleared for booking. The suspect was found to be in possession of a controlled substance (methamphetamine). He did not possess a weapon.

On January 12, 2006, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP § 3-01/025.00: Use of Force; MMP § 3-01/025.10: Unreasonable Force; and MMP § 3-01/050.10: Performance to Standards. Concerning:

MMP § 3-01/025.00: Use of Force, and MMP § 3-01/025.10: Unreasonable Force, the Committee determined that the force used by the deputies were reasonable and necessary and in compliance with Department policy. MMP § 3-01/050.10: Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

**Johnny G. Jurado, Commander**